

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

NICKLELAS BREWER,  
Plaintiff,

v.

SHERIFF JAMES PRINCE,  
Defendant.

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CIVIL ACTION NO. 5:18cv27

**ORDER**

Plaintiff Nicklelas Brewer filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. Docket No. 1. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.


Plaintiff was ordered to pay an initial partial filing fee of \$23.00 or to show good cause for his failure to do so. Docket No. 6. When Plaintiff did not comply, the Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 12. Plaintiff received a copy of the Magistrate Judge's Report (Docket No. 13) but filed no objections thereto; accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court finds no clear error in the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is therefore

**ORDERED** that the Report of the Magistrate Judge (Docket No. 12) is **ADOPTED** as the opinion of the District Court.

**So ORDERED and SIGNED this 3rd day of December, 2018.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE